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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/576,720	05/23/2000	John J. Burns	FEL-001P	3128

7590 02/27/2007
J M Robertson
233 South Pine Street
Spartanburg, SC 29302

EXAMINER

BEFUMO, JENNA LEIGH

ART UNIT	PAPER NUMBER
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1771

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/576,720

Applicant(s)

BURNS ET AL.

Examiner

Jenna-Leigh Befumo

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. The applicant's arguments (response, pages 5 – 6), filed on November 27, 2006, are sufficient to overcome the 35 USC 112 1st paragraph rejection drawn to the support of the claimed features "intermingled with one another and the adhesive in a substantially continuous relation across the composite structure". The needling loom does not provide needling in only certain regions, but instead throughout the entire fabric, thus the fabric produced by the disclosed method would inherently have intermingling in a substantially continuous relation across the composite structure.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 25 – 32 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention for the reasons set forth in the previous office action.

The applicant argues that Figure 1 shows fibers which are entangled in the adhesive layer, but not across the layer (response, pages 6 – 7). While the figure is relied to show a general representation of the finished product, the figure is not an exact representation. The figure can not be relied to show the exact placement of the fibers or how deeply the fibers will or

Art Unit: 1771

won't penetrate in the fabric. Thus, the figure does not provide sufficient support that the applicant desired the needled composite to comprise fibers which are entangled with the adhesive layer but do not extend across the adhesive layer. Instead the disclosure specifically teaches that the fibers of the batting layers are needled such that the fibers extend across the adhesive between the bonded layers (disclosure, page 4, lines 5 – 10). There is nothing addressed in the disclosure to suggest that the inventor intends for the fibers to be entangle to multiple depths so that some of the fibers are entangled with the adjacent fiber layers and some of the fibers are entangled with the adhesive layers.

Further, the applicant teaches that the layers are entangled together by needling operations which are well know to those of skill in the art to produce a cohesive structure (disclosure, page 7, lines 25 – 30). The applicant does not disclose any special processes or needling barbs are being used to control the depth the fibers extend through the fabric or to produce fibers which extend to different depths. Thus, there is nothing in the disclosure itself which would lead one of ordinary skill in the art to conclude the fibers which are needled into the adhesive layer would not extend through the adhesive layer and into the adjacent batting layer as well. Or would this be an inherent part of any needling process? The figure by itself does not teach this feature since it is not an exact replica of the invention and could only show those fibers passing into only the adhesive by the artist accidentally overlapping the fibers and adhesive and not because the real product actual has the structure. Therefore, the rejection is maintained. The limitations with regards to the depth of the fibers in the adhesive layer is new matter.

Conclusion

Art Unit: 1771

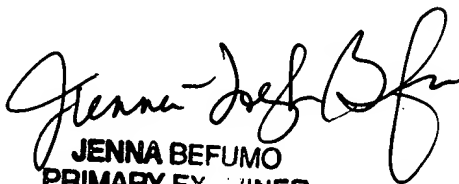
4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Morgenstern (2,970,365) discloses a needled composite fabric including fibrous batting layers and adhesive layers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenna-Leigh Befumo whose telephone number is (571) 272-1472. The examiner can normally be reached on Monday - Friday (8:00 - 5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jlb
February 20, 2007


JENNA BEFUMO
PRIMARY EXAMINER